

**From:** [Heitzman, George \(DEC\)](#)  
**To:** [Singerman, Joel](#)  
**Cc:** [Cross, Gardiner \(DEC\)](#); [Tsiamis, Christos](#); [Carr, Brian](#)  
**Subject:** RE: Fulton MGP Parcel VII  
**Date:** Monday, November 23, 2015 4:16:31 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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As stated in the Enforcement Status section of the Fulton ROD, National Grid is not responsible for addressing contamination unrelated to former MGP activities at the site, and their off-site impacts. To the extent that the petroleum contamination is not related to former MGP operations, National Grid would not be responsible.

**George Heitzman**

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**From:** Singerman, Joel [mailto:Singerman.Joel@epa.gov]  
**Sent:** Monday, November 23, 2015 4:00 PM  
**To:** Heitzman, George (DEC)  
**Cc:** Cross, Gardiner (DEC); Tsiamis, Christos; Carr, Brian  
**Subject:** Fulton MGP Parcel VII

As you know, we are currently negotiating an Administrative Order on Consent with DEP related to, among other things, the construction of a combined sewer overflow retention tank for OH-034. This order would provide for the City's acquisition of several properties along the head of the Canal for the construction of this retention tank. One of these properties is Parcel VII.

During the EPA/DEC video conference on November 19, you indicated that while a pre-design investigation at Parcel VII is needed to better characterize the extent of the contamination, it is DEC's expectation that the property owner would be responsible for the remediation of wastes that are not attributable to National Grid's MGP operations. Based on the characterization sampling performed to date, it is our understanding that DEC believes the MGP-related waste to be at depth, beneath petroleum-related waste. If this remains the case after further sampling, National Grid would only be responsible for the deep layer, if excavation to that depth were to occur, and not for the layers above.

For purposes our discussions with DEP, it would be appreciated if you could confirm the above.